REMARKS/ARGUMENTS

The rejections presented in the Office Action dated July 1, 2008 (hereinafter Office Action) have been considered. Claims 1-50 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 3, 4, 5, 9, 11, 13, 16, 20, 21, 23, 25, 26, 28, 29, 35, 36 and 38-50 are rejected based on 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0147270 by Petrovich (hereinafter "Petrovich").

The Applicant respectfully submits that the claims as previously presented are not anticipated by Petrovich. However, in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicant presents this response with amendment to provide an enhanced appreciation of particular aspects of the claimed invention.

Independent Claims 1, 13, 20, 30, 35, 44, 45 and 48-50 are amended to express in some form a visual representation for a user that identifies at least one function to be performed. For example, Claim 1 has been amended to include a visual representation for a user. Similar amendments have been made to independent Claims 1, 13, 20, 30, 35, 44, 45 and 48-50. These amendments are fully supported in the Specification as filed (see, *e.g.*, Specification, pg 34, lines 2-7). No new matter has been added.

To anticipate a claim, the asserted reference must clearly and unequivocally disclose every element of the claimed invention. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. All claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102.

Applicant's Claim 1, for example, discusses at least one transponder that is associated with a visual representation for the user that identifies at least one function to be performed by a device upon machine-reading the associated at least one transponder.

Applicant respectfully asserts that Petrovich does not disclose a visual representation for the user that identifies a function to be performed. On page 2 the Office Action refers to

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paragraph 0030 as discussing this element. At this section Petrovich discusses a terminal that has a readable dataform that "can be conveniently read by the customer m-commerce device". Petrovich further states that "info is transmitted from the device to a location address of POA terminal 104 such that POA data of the customer stored in the customer's m-commerce device is presented to the customer at the POA terminal". The Applicant respectfully asserts that the system in Petrovich does not disclose a visual representation for the user that identifies a function to be performed. It is clear from Petrovich that the "visual representation" that Petrovich purportedly discloses is merely a machine readable symbol and nothing readable by the user is presented before the symbol is read at a terminal.

In contrast, the Applicant's invention is claiming a least one transponder that is associated with a visual representation for the user that identifies at least one function *to be* performed by a device *upon* machine-reading the associated at least one transponder. The visual representation that the Applicant is claiming is for identifying to the user what action will occur when the user invokes the application. Therefore the visual representation in the Applicant's claimed invention is visible and understandable to the user *before* any information is received from the transponder. Petrovich does not disclose a visual representation for a user that identifies a function to be performed. Because Petrovich does not teach all of the elements of Applicant's claims 1, 13, 20, 30, 35, 44, 45 and 48-50, these claims are not anticipated by Petrovich and are in condition for allowance over the cited reference.

Claim 10 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Petrovich in view of U.S. Publication No. 2002/0177408 by Forster et al. (hereinafter "Forster"). Claim 12 is rejected based on 35 U.S.C. §103(a) as being unpatentable over Petrovich in view of U.S. Publication No. 2003/0017804 by Heinrich et al. (hereinafter "Heinrich"). Claims 2, 6-8, 14, 24 and 27 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Petrovich in view of U.S. Patent No. 6,246,882 to Lachance (hereinafter "Lachance"). Claims 18 and 37 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Petrovich in view of U.S. 6,912,398 to Domnitz (hereinafter "Domnitz"). Claims 30-33 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Petrovich in view of Heinrich and Lachance. Claim 34 is rejected based on 35 U.S.C.

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§103(a) as being unpatentable over Petrovich in view of Heinrich and Lachance as applied to claim 30, and further in view of Domnitz.

Each of the rejections of dependent Claims 1-12, 14-19, 21-29, 31-34, 36-43 and 46-47 relies on Petrovich to describe all the elements of independent Claims 1, 13, 20, 30, 35, 44, 45, and 48-50 from which each of these claims depends. None of Forster, Heinrich, Lachance or Domnitz were relied upon to provide a remedy to the deficiencies of Petrovich as it pertains to independent Claims 1, 13, 20, 30, 35, 44, 45, 48-50, nor do these additional references provide such a remedy.

Applicants reassert the arguments presented above regarding the failure of Petrovich to disclose all of the elements of independent Claims 1, 13, 20, 30, 35, 44, 45, 48-50. While Applicant does not acquiesce with any particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent Claims 1, 13, 20, 30, 35, 44, 45, 48-50. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited references.

Claims 15, 17, 19 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 15, 17, 19 and 25 have been indicated by the Examiner as including allowable subject matter. Applicant thanks the Examiner for the indication of allowability. These claims are not redrafted at this time, as it is believed they are allowable based on the remarks/amendments to their respective independent claims, namely Claims 13 and 20.

It is to be understood that Applicant does not acquiesce to Examiner's characterization of the asserted art or Applicant's claimed subject matter, nor of the Examiner's application of the asserted art or combinations thereof to Applicant's claimed subject matter. Moreover, Applicant does not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, alternative equivalent arrangements, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant respectfully submits that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of the clear absence of teaching and suggestion of various features recited in

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Applicant's pending claims and lack of motivation to combine reference teachings. Applicant, however, reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NOKV.013CIP) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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